

## **ORDINANCE NO. 2485**

**AN ORDINANCE OF THE CITY OF FREMONT, CALIFORNIA, ADOPTING AND AMENDING THE 2001 CALIFORNIA FIRE CODE; AMENDING TITLE VII (BUILDING REGULATIONS), CHAPTER 1 BY ADDING ARTICLE 7 (FREMONT FIRE CODE), REPEALING ORDINANCE NOS. 2337, 2343, AND 2344, READOPTING AND AMENDING CHAPTER 10, TITLE VII (MINIMUM REQUIREMENTS FOR RETROFITTING CERTAIN TYPES OF APARTMENT BUILDINGS WITH AUTOMATIC FIRE EXTINGUISHING SYSTEMS) ADDED BY ORDINANCE 2344 AS TITLE VII, CHAPTER 12 (MINIMUM REQUIREMENTS FOR RETROFITTING CERTAIN TYPES OF APARTMENT BUILDINGS WITH AUTOMATIC FIRE EXTINGUISHING SYSTEMS)**

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The City Council of the City of Fremont does ordain as follows:

### **Section 1:**

Ordinance numbers 2337, 2343 and 2344 are repealed.

### **Section 2:**

Title III (Public Safety, Welfare and Morals), Chapter 1 (Fire Code) of the Fremont Municipal Code is repealed and reserved.

### **Section 3:**

Title VII (Building Regulations), Chapter 1 (Fremont Building Standards Code) of the Fremont Municipal Code is amended by adding a new Article 7 (Fremont Fire Code) as follows:

## **ARTICLE 7. FREMONT FIRE CODE**

### **Sec. 7-1700                      Title.**

This Article shall be known and may be cited as the “Fremont Fire Code” or “FFC” and will be referred to in this Article as “this code.”

### **Sec. 7-1702                      Fire Prevention Bureau**

(a) The Fire Prevention Bureau is established within the Fremont Fire Department under the direction of the chief and consists of Fremont Fire Department personnel assigned to the Bureau by the chief. The function of the Bureau is to assist the chief in the administration and enforcement of the provisions of this code.

(b) References to the “Fire Marshal” or “fire prevention engineer” in the California Fire Code shall mean the Division Chief in charge of the Fire Prevention Bureau as appointed by the chief.

(c) The chief of the fire department shall recommend to the city manager the employment of technical consultants.

**Sec. 7-1710****Adoption of the 2001 CFC With Amendments.**

Except as provided in this Article, the technical and administrative provisions of the 2001 California Fire Code, as codified in Title 24 of the California Code of Regulations, are adopted by reference and made a part of this Article as if fully set forth. A copy of 2001 CFC is on file in the office of the city clerk.

**Sec. 7-1712****Adoption of Certain 2001 CFC Appendices.**

The following Appendices of the 2001 California Fire Code are adopted by the City of Fremont. The remaining Appendices are not adopted.

Appendix	Title
Appendix I-A	Life Safety Requirements For Existing High-Rise Buildings
Appendix I-C	Stairway Identification
Appendix II-A	Suppression and Control of Hazardous Fire Areas
Appendix II-B	Protection of Flammable and Combustible Liquids in Tanks in Locations Subject to Flooding
Appendix II-C	Marinas
Appendix II-D	Rifle Ranges
Appendix II-E	Hazardous Materials Management Plans and Hazardous Materials Inventory Statements
Appendix II-F	Secondary Containment For Underground Tank Systems Containing Flammable or Combustible Liquids
Appendix II-H	Site Assessments For Determining Potential Fire and Explosion Risks From Underground Flammable or Combustible Liquid Tank Leaks
Appendix II-I	Ozone Gas-Generating Equipment
Appendix II-K	Nonprotected Aboveground Steel Tank For Private Motor Vehicle Fuel-Dispensing Stations Outside Buildings
Appendix III-A	Fire-Flow Requirements For Buildings
Appendix III-BB	Fire Hydrant Location and Distribution
Appendix III-C	Inspection, Testing, and Maintenance of Water-Based Fire-Protections Systems
Appendix III-D	Fire Department Access Guidelines
Appendix IV-A	Interior Floor Finish
Appendix IV-B	Christmas Trees
Appendix VI-A	Hazardous Materials Classifications
Appendix VI-B	Guidelines for Evaluating Fire Testing to Substantiate Alternative Materials and Fire Protection Design Hazard Ranking

Appendix VI-C	Hazard Ranking
Appendix VI-D	Emergency Relief Venting for Fire Exposure For Above Ground Tanks
Appendix VI-H	Recommended Separation Distances For Explosive Materials
Appendix VI-I	Cryogenic Fluids Weight and Volume Equivalents
Appendix VI-J	Refrigerant Groups and Properties

**Sec. 7-1714                      Standards.**

Notwithstanding any other provision of this Article, or any provision contained in the 2001 California Fire Code, the 2000 Uniform Fire Code, or the standards established by the National Fire Protection Association (NFPA), staffing standards are not established by this Article and any direct or indirect reference by any document incorporated by reference by this Article pertaining to staffing standards is expressly excluded and not adopted by this Article.

**Sec. 7-1720                      Amendments to 2001 CFC; numbering.**

The 2001 California Fire Code is amended as provided in sections 7-1720.103 through 1720.8000. The number to the right of the decimal point in these sections is designed to correspond to the article and section numbers in the 2001 California Fire Code that are modified by the City of Fremont.

**Sec. 7-1720.103                  Amendment to 2001 CFC Section 103 (Inspection and Enforcement).**

*Section 103.1.4.1 of the 2001 California Fire Code is replaced to read as follows:*

To determine the suitability of alternative materials and types of construction and to provide for reasonable interpretations of the provisions of this Article, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass judgment upon pertinent matters and who are not employees of the City of Fremont. The chief shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

*Section 103.2.2 (organization of the fire prevention bureau) of the 2001 California Fire Code is not adopted.*

*Section 103.4 of the 2001 California Fire Code is amended by adding sections 103.4.7 and 103.4.8 as follows:*

**103.4.7 Powers To Abate.** The chief is authorized to abate a fire or life hazard when necessary to protect life or property. This may include, but is not limited to, confiscation of flammable liquids, fireworks, the removal of hazardous electrical wiring, temporary closure of commercial occupancies, extinguishing unsafe or illegal fires and any other similar hazards, determining no smoking areas, and ceasing operation of any type apparatus that poses an imminent danger to property or life.

**103.4.8 Violation** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article.

It shall be unlawful for any person, firm, or corporation to open and operate a business unless a fire inspection has been made and such business is in compliance with all Fire Department requirements and has been approved for operation.

**Sec. 7-1720.105      Amendment to 2001 CFC Section 105 (Permits).**

*Section 105.2.2 of the 2001 California Fire Code is amended to read as follows:*

**105.2.2 Expiration.** A permit shall expire one year after issuance unless revoked or the permit specifies otherwise. Permits are not transferable and any change in use, occupancy, operation or ownership shall require a new permit.

*Section 105.3 of the 2001 California Fire Code is amended by adding a second paragraph as follows:*

An application for a permit shall be accompanied by a fee established by resolution of the city council.

*Section 105.8.c.7 of the 2001 California Fire Code is amended to read as follows:*

**105.8.c.7 Compressed Gases.** To store, use or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 105-A, to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. When the compressed gases in use or storage exceed the amounts listed in Table 105-A, a permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

*Section 105.8.c.9 of the 2001 California Fire Code is amended to read as follows:*

**105.8.c.9 Cryogenics.** Except where federal or state regulations apply and except for fuel systems of a vehicle, to produce, store or handle cryogenics in excess of the amounts listed in Table 105-B; to install a cryogenic

vessel or piping system for the storage or distribution of cryogenics. See also Article 75.

*Section 105.8.c.10 is added to read as follows:*

**Christmas Tree Lot** To operate a Christmas Tree Sale Lot. See Appendix IV-B.

*Section 105.8.f.3.3 of the California Fire Code is amended by adding a second paragraph to read as follows:*

To store, handle or use class III-B liquids with a flashpoint of less than 500 degrees F. in excess of 110 gallons. Flammable or combustible liquids (see Article 79).

*105.8.f.3.6 of the California Fire Code is replaced in its entirety to read as follows:*

To install, alter, remove, test, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. See Article 79.

*105.8.f.6 of the California Fire Code is added to read as follows:*

Fire Alarm Systems. No person shall install or cause to be installed any fire alarm signaling system or device designed to indicate a fire emergency without first obtaining a permit. Application and plans for such permit shall be made to the building & safety department. See Article 10.

*105.8.l.3 of the California Fire Code is added to read as follows:*

Lumber Yards and Wood Working Plants. To operate any wood working plant. See Article 30.

**Sec. 7-1720.202      Amendment to 2001 CFC Section 202 (Definitions - A).**

*Section 202 of the 2001 California Fire Code is modified to read as follows:*

**ARCHITECT** is an individual licensed by the State of California to practice architecture and to use the title, Architect, as defined in the State of California Business and Professions Code.

**Sec.                      7-1720.204.    Amendment to 2001 CFC Section 204**  
**(Definitions - C).**

*Section 204 of the 2001 California Fire Code is modified to read as follows:*

**CHIEF OF THE BUREAU OF FIRE PREVENTION OR FIRE MARSHAL** when used, it shall be held to mean the division chief in

charge of the bureau of fire prevention and shall include those persons as designated by the chief of the bureau of fire prevention.

**CIVIL ENGINEER** means an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.

**CONTINUOUS GAS-DETECTION SYSTEM** is a gas-detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed five minutes.

**EXCEPTION:** Alternate systems may be approved by the Chief based upon equivalent protection.

**CORPORATION COUNSEL** when used in the California Fire Code, it shall be held to mean the City Attorney of the City of Fremont.

**CORROSIVE LIQUID** is a liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action. Examples include acidic, alkaline or caustic materials. Such material will be considered prima facie corrosive when the Ph is 2 or less or 12.5 or more, except for foodstuffs or medicine. Included are DOT and Title 22 classed corrosives.

**CURRENT CODE** shall mean the edition of the California Building Standards Code published by the International Conference of Building Officials as adopted by the City of Fremont pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time damage occurs.

**Sec. 7-1720.206      Amendment to 2001 CFC Section 206 (Definitions - E).**

*Section 206 of the 2001 California Fire Code is modified to read as follows:*

**ENGINEERING EVALUATION** means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

**ESSENTIAL SERVICE FACILITY** shall mean that building or structure which has been designated by the City Council to house facilities which are necessary for emergency operations.

**Sec. 7-1720.207      Amendment to 2001 CFC Section 207 (Definitions - F).**

*Section 207 of the 2001 California Fire Code is modified to read as follows:*

**FIRE PROTECTION ENGINEER** is an individual registered by the State of California to practice fire protection engineering and to use the title, Fire Protection Engineer, as defined in the State of California Business and Professions Code.

**Sec. 7-1720.209      Amendment to 2001 CFC Section 209 (Definitions – H).**

*Section 209 of the 2001 California Fire Code is modified to read as follows:*

**HISTORIC BUILDING OR STRUCTURE** shall be any structure included on the National Register of Historic Places, the state register of historic places or points of interest, or listed as a local primary historic resource.

**Sec. 7-1720.211      Amendment to 2001 CFC Section 211 (Definitions – J).**

*Section 211 of the 2001 California Fire Code is modified to read as follows:*

**JURISDICTION** means the City of Fremont.

**Sec. 7-1720.213      Amendment to 2001 CFC Section 211 (Definitions – L).**

*Section 213 of the 2001 California Fire Code is amended by adding the following definition:*

**LOCAL FIRE ALARM** shall mean a fire alarm system provided for notification and evacuation of occupants. It shall have more than one notification appliances on each and every floor. The system may notify a monitoring company at the discretion of the fire marshal.

**Sec. 7-1720.219      Amendment to 2001 CFC Section 219 (Definitions – R).**

*Section 219 of the 2001 California Fire Code is modified to read as follows:*

**REFRIGERANT CIRCUIT** shall consist of all portions of a system that contain refrigerant, high and low pressure.

**REPLACEMENT VALUE** is the dollar value, as determined by the building official based upon the square footage and the guidelines used in establishing the valuation of new construction, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

**Sec. 7-1720.220      Amendment to 2001 CFC Section 220 (Definitions – S).**

*Section 220 of the 2001 California Fire Code is modified to read as follows:*

**STRUCTURAL ENGINEER** is an individual registered by the State of California to practice civil engineering and to use the title, Structural Engineer, as defined in the State of California Business and Professions Code.

**SECONDARY CONTAINMENT** is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

**SEGREGATED** is storage in the same room or area, but physically separated by distance and independent secondary containment from incompatible materials.

**SEMICONDUCTOR FABRICATION FACILITY OR COMPARABLE MANUFACTURING, RESEARCH AND DEVELOPMENT AREAS** is a building or portion of a building classified as a Group H Occupancy in which electrical circuits or devices are created.

**SPECULATIVE WAREHOUSING** is a building constructed without a specific use, occupancy hazard designation, or tenant. Buildings that do not have a designed fire sprinkler system for a specific use (occupancy) or storage commodity classification.

**STORAGE OR USE FACILITY** is a building, portion of a building, or exterior area used for the storage, use, or handling of hazardous materials where the quantity of hazardous materials is equal to or greater than the permit amounts specified in section 105.

**STORAGE OR USE SYSTEM** is any one or combination of tanks, sumps, waste treatment facilities, pipes, vaults or other portable or fixed containers, and their secondary containment systems which are used, or designed to be used, for the storage, use, or handling of hazardous materials at a storage or use facility. For purposes of this code, a workstation having limited quantities of hazardous materials shall not be treated as a storage system.

**Sec. 7-1720.221      Amendment to 2001 CFC Section 221 (Definitions – T).**

*Section 221 of the 2001 California Fire Code is modified to include the following:*

**TARGET ORGAN EFFECTS** are a categorization of effects which may occur, including example of signs and symptoms. Chemicals which have been found to cause such effects are included in 29 CFR 1910.1200 and listed in Appendix VI-E of this code.



**TARGET ORGAN TOXIN** is a chemical that produces damage (target organ effects) to specific body organs or systems.

**Sec. 7-1720.223      Amendment to 2001 CFC Section 223** (Definitions – V).

*Section 223 of the 2001 California Fire Code is modified to include the following:*

**VALUE OF REPAIR** is the dollar value, as determined by the building official, of making the necessary repairs to a damaged structure.

**Sec. 7-1720.224      Amendment to 2001 CFC Section 224** (Definitions – W).

*Section 224 of the 2001 California Fire Code is modified to include the following:*

**WASTE OIL** is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids. It does not include the products classified as class I, II or III-A liquids or corrosives, toxic or highly toxic materials as defined in Article 80.

**Sec. 7-1720.902      Amendment to 2001 CFC Section 902** (Fire Department Access).

*Section 902.2.1 of the 2001 California Fire Code is amended by adding section 902.2.1.1 as follows:*

Where necessary to maintain adequate emergency vehicle approaches to buildings or fire apparatus access roads, the fire chief may establish designated "Fire Lanes."

1. Restrictions and requirements as specified in the California Vehicle Code, sections 22500.1 and 22658 shall apply to fire lanes established by this section.
2. Minimum clearances or widths shall be the same as those required for fire apparatus access roads.
3. Turning radius must be adequate to permit maneuvering of fire apparatus without undue difficulty.

*Section 902.4 of the 2001 California Fire Code is amended by adding the following second paragraph:*

All new, altered or retrofitted vehicle gates shall have an infrared receiver and either a Lock Box or key override switch to provide emergency vehicle access. The type of system specified will be compatible with Fremont Fire Department specifications.

*Section 902 of the 2001 California Fire Code is amended by adding section 902.5 as follows:*

**902.5 Emergency information boxes.** When an occupancy contains storage of hazardous materials that exceed the exempt amounts listed in Article 80 of the California Fire Code, or the occupancy is required by the fire chief to have available on site prefire plans, the fire chief may require an approved emergency information box be installed on the premises for the storage of such information. The emergency information box shall be installed in an approved location and the enclosed information shall be periodically updated by the occupant.

**Sec. 7-1720.903      Amendment to 2001 CFC Section 903 (Water Supply and Fire Hydrants).**

*Section 903.3 of the 2001 California Fire Code is amended to add the following second paragraph:*

Single family dwellings located in remote areas or areas not supplied by a public water source shall meet ancillary water supply requirements determined by the chief.

*Section 903.4.2 is amending by adding sections 903.4.2.1 and 903.4.2.2 as follows:*

**903.4.2.1 Distribution of fire hydrants.** Fire hydrants shall be nominally spaced every 500 linear feet in residential areas comprised of single family dwellings. In commercial or industrial areas, or in residential areas containing condominiums, townhouses, or apartments, fire hydrants shall be nominally spaced every 300 feet. The chief may require that fire hydrants be placed at closer intervals to conform to street intersections, unusual street curvatures, or fire-flow requirements. Divided streets shall have hydrants on both sides of the street and shall, where applicable, be installed in alternate or staggered positions so that hydrants will not be directly across from each other.

**903.4.2 Hydrants.** The chief is authorized to determine the types of hydrants acceptable for installation. In areas where public or private water mains are not available for the provision of required fire flow, the fire chief may require that water supply for fire fighting be provided in accordance with NFPA Standard #1142, 1999 Edition (Standard on Water Supplies for Suburban and Rural Fire Fighting) and Fire Prevention Procedure Manual Policy 1 for water supply in remote areas.

**Sec. 7-1720.1001      Amendment to 2001 CFC Section 1001 (Fire-Protection Systems and Equipment).**

*Section 1001.8 of the 2001 California Fire Code is amended to add the following text after the first paragraph:*

All fire hydrant installations will require the painting of the hydrant to the fire chief's specifications and the installation of a blue reflective paved road marker to indicate the hydrants location.

*Section 1001.10 of the 2001 California Fire Code is amended by adding sections 1001.10.1 and 1001.10.2 to read as follows:*

**1001.10.1 Mid-rise Building Safety Requirements** In addition to the buildings and occupancy groups specified in Title 19 of the California Code of Regulations, section 3.09, the owner(s) or operator(s) of every building four (4) or more stories in height shall post a floor plan sign which shall provide emergency procedures at every stairway landing, elevator landing, and immediately inside all public entrances to the building. Information contained in the floor plan signs shall include, but shall not be limited to the following:

1. Location of exits and fire alarm initiating stations;
2. Description of fire alarm sounds and appearance;
3. Fire Department emergency telephone number 911;
4. Prohibition of the use of elevators during emergencies;
5. Instructions to be followed by ambulatory, non-ambulatory, and disabled persons in the event of an emergency
6. Notation "you are here" or other readily understandable marking specifying the location on the floor plan sign.
7. Floor plan signs shall be printed in a non-decorative lettering which shall not be less than three-sixteenths of an inch (3/16") in height and shall provide a sharp contrast with the background. The information shall accurately depict the layout of the floor where the sign is located.
8. Emergency Evacuation Drill. For all buildings four (4) or more stories in height, the building owner or manager or other representative of the building owner shall conduct an emergency evacuation drill not less than annually. This paragraph shall not apply to owners, managers or representatives of the owner who are required to conduct emergency evacuation drills pursuant to other ordinances, laws or regulations. These records and/or verifications will be made available to the fire chief or his designee upon demand.
9. Public Address System. In buildings four (4) or more stories in height, a public address system shall be installed for the exclusive use of fire department personnel, peace officers, or other city

enforcement personnel according to specifications approved by the fire marshal or his designee. Controls for, and access to, such system shall be installed on the ground floor of the building at a location subject to the approval of the fire marshal or his designee. A specifications document regarding the standard languages and dialects required will be made available by the fire chief or designee to conform to the needs of the community.

10. Fire Equipment. In buildings of four (4) or more stories in height, a cabinet or other enclosed facility shall be provided in every stairwell, smoke tower, or such similar structure on alternate floors, commencing with the third floor, for the storage of fire hose and related equipment. Said cabinets, devices, hoses and related equipment, shall be furnished by the building owner or property developer who constructs such building. All such equipment and the specific location thereof shall be subject to the approval of the fire marshal or his designee.

**1001.10.2 High Rise Building Safety Requirements.** In addition to the requirements for Mid-rise buildings, the following provisions shall apply to High-rise buildings:

1. Air Replenishment Systems: All Group B (office) and Group R Division 1 (hotels and apartments; congregate residences, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of the fire department vehicular or personnel access whichever access is more restrictive as determined by the fire chief or designee) shall be equipped with an approved rescue air replenishment system. The system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of portable life sustaining air equipment carried by fire department, rescue, and other personnel in the performance of their duties. Location of access stations, as well as installation and maintenance of the air replenishment systems shall with the requirements determined by the fire chief. A specifications document for the construction of air replenishing systems that conform to the breathing equipment used by the Fremont Fire Department will be made available by the fire chief.

2. Firefighters Communications Systems: All Group B (office) and Group R, Division 1 (hotels and apartments; congregate residences, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of the fire department vehicular or personnel access (whichever access is more restrictive as determined by the fire chief or designee) shall be equipped with firefighters' communication systems and shall be installed in accordance with the following requirements:

2.1. One access jack shall be provided at each stairwell landing and two access jacks shall be provided in a lobby area of the building in plain view of elevator doors, and in any event at locations and according to specifications subject to the approval of the fire prevention bureau.

2.2 One telephone set shall be provided at each floor of the building provided, that such telephone sets shall be located in the lobby area at a location and according to specifications subject to the approval of the fire prevention bureau.

*Section 1001 of the 2001 CFC is amended by adding sections 1001.11 and 1001.12 as follows:*

**1001.11. Fire Department Connection.** A fire department connection shall be provided for all buildings, or when the fire chief deems them necessary. Group R3 occupancies less than 12,000 square feet do not require fire department connections.

**1001.12 Underground Water Supply.** The location of the fire department connection, post indicator valve and the routing of the water supply for multi-building facilities shall be evaluated on an individual basis.

**Sec. 7-1720.1003 Amendment to 2001 CFC Section 1003.**

*Section 1003.2.1 of the 2001 California Fire Code is amended by replacing paragraph 2 with the following:*

For provisions of special hazards and hazardous materials, see CFC section 1001.9 and Articles 45, 48, 49, 79, 80 and 81.

*Section 1003.2.2 is deleted in its entirety and replaced as follows:*

**1003.2.2 All Occupancies Except Group U, Division 2 Occupancies.** All occupancies except for Group U, Division 2, shall have automatic fire-extinguishing systems.

In addition, automatic fire-extinguishing systems shall be installed in the following locations:

1. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

2. In protected combustible fiber storage vaults as defined in the 2001 California Fire Code.

**EXCEPTIONS:**

- (1) This exception does not apply to any tentative map or tentative parcel map that has been amended, modified, or revised, by the project proponent after January 8, 1998. The provisions of this section shall not apply to residential projects of less than 5,000 square feet provided:
  - a. A completed tentative map or a completed tentative parcel map has been filed with the City of Fremont before January 8, 1998; and
  - b. The subdivision is composed of single family dwelling units (R3 occupancies) of less than 5,000 square feet, located in subdivisions outside the boundary of the Hazardous Fire Zone and in a five-minute response time zone set by the fire department; and
  - c. Physical construction is started within one hundred eighty (180) days from the date of issuing the permit and continued to completion without an interruption that would require an extension of the permit. When construction has not commenced within 180 days of the issuance of a building permit, no renewal or extension of such building permits shall be granted unless all of the requirements of this ordinance are met.
- (2) Detached occupancies Group U1 with floor areas of 500 square feet or less are exempt from installation of automatic fire extinguishing systems.
- (3) Detached one-story occupancies Group U1 with floor area of 500 to 1500 square feet are exempt from installation of automatic fire extinguishing systems provided all of the following requirements are met:
  - a. Building is constructed to Type IV, Type V 1-Hour, or a higher fire-resistive construction, and
  - b. A local fire alarm system is installed, and
  - c. Minimum five-foot setback to property line and ten-foot setback to any other building on the site is maintained.

**1003.2.2.1 Additions.** An automatic fire extinguishing system (AFES) shall be required in the entire building when the additional floor area to the existing building exceeds one of the following thresholds:

1. The existing structure is increased in floor area by 50%. The increase in floor area shall be calculated cumulatively from July 1, 1999.

2. The addition to the existing structure exceeds 2,500 square feet.
3. When the combined floor area of the existing and new floor area exceeds 5,000 square feet.
4. For purpose of floor calculations, in Group R3 occupancies, the change of use from Group U1 occupancies or similar use to habitable space shall be considered as new floor area.

#### EXCEPTIONS:

1. This exception applies to existing buildings without automatic fire extinguishing systems that are group B, E, F, I, M, S and U occupancies only. The existing portion of a one or two story building with no basement does not require automatic fire extinguishing systems when the following conditions are met:
  - (a) The combined floor area does not exceed 5,000 square feet.
  - (b) The additional floor area shall not exceed 50% of the existing floor area.
  - (c) The addition is protected by an automatic fire extinguishing system (AFES).
  - (d) If the existing portion is remodeled, the remodel cost shall be less than 30% of the current replacement value of the existing structure.
  - (e) The addition and the existing structure shall be separated with two-hour or four-hour area separation walls and required protection fire rated openings according to type of construction.
  - (f) An underwriter laboratory certified National Fire Protection Association Standard 72 approved fire alarm system shall be installed in all Assembly, Education and Institutional use occupancies.
  - (g) Exception 1 may be used only once for the first addition occurring after July 1, 1999.
2. This exception applies to Group R, Division 3 occupancies only. The existing portion of a residence does not require an automatic fire extinguishing system (AFES) when all of the following conditions are met:
  - (a) The approved addition does not exceed 1,000 square feet.
  - (b) The addition must be protected by an automatic fire extinguishing system (AFES). Hydraulic calculations shall be required for the two most remote residential sprinklers.

(c) The addition is separated from the existing portion by a one-hour area separation wall and 45-minute openings.

(d) A local fire alarm and smoke detection system, in series, is installed.

(e) The total floor area of the existing building plus the addition does not exceed 5,000 square feet.

(f) Exception 2 may be used only once for the first addition or conversion of existing space to habitable space occurring after July 1, 1999.

**1003.2.2.2 Repair/Retrofit.** All occupancies except U, Division 2 damaged during a fire or natural disaster shall require an automatic fire-extinguishing system to be installed in the entire structure. Retrofit criteria shall be as follows:

1. All installations of automatic fire extinguishing systems and signaling devices shall comply with the then current code.

2. Buildings and structures of all occupancies which have been damaged as a result of a fire or natural disaster, except as otherwise noted, shall be retrofitted with an automatic fire extinguishing system to the entire building and structure in accordance with the following criteria:

2.1 When the estimated value of repair is less than 50 percent (50%) of the replacement value of the structure, the damaged portion(s) may be restored to their pre-damaged condition.

2.2 When the estimated value of repair is 50 percent (50%) or more of the replacement value of the structure, the entire building shall be retrofitted with an automatic fire extinguishing system.

**1003.2.2.3 Retrofit for Essential Services Facilities.** When the estimated value of repair contained in the engineering evaluation is more than thirty percent (30%) of the replacement value of the structure, the entire building shall be retrofitted with an automatic fire extinguishing system.

**1003.2.2.4 Retrofit for Historic Buildings or Structures.** The minimum criteria for retrofit of Historic Buildings or Structures shall be as included in section 7-8115 (b) of the City of Fremont Ordinance No. 2182, with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, the State of California Historic Building Code, shall apply.



Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.

**1003.2.2.5 Change in Occupancy Use.** When a change of occupancy is made to a higher hazard group as shown in Table 5-B of the Uniform Code for Building Conservation, 1997 Edition, an automatic fire extinguishing system (AFES) shall be installed in the entire new occupancy with the higher relative hazard.

**1003.2.2.6 Vacant Buildings.** In all vacant buildings with sprinkler systems, the sprinkler systems must be maintained in operating condition and must be monitored by an approved central monitoring company.

**1003.2.2.7 Area separation walls.** Area separation walls shall not be considered to create separate buildings for the purpose of automatic fire sprinkler system requirements as set forth in this ordinance, unless such a specific exception is provided in this ordinance.

**1003.2.2.8 Underground corrosion protection.** A corrosion protection plan, including details and specifications for all ferrous underground piping must be designed and provided by a qualified corrosion engineer.

EXCEPTION:

Group R, Division 3 Occupancies less than 12,000 square feet in area are exempt unless ferrous underground piping is used.

**1003.2.2.9 Control Valves.** An exterior control valve shall be provided for all buildings except Group R, Division 3 occupancies. Controls valves and flow switches shall be installed on each floor. All control valves shall be monitored by a Central Station.

*Section 1003.2.3 of the 2001 California Fire Code is amended as follows:*

**1003.2.3 Group A Occupancies.** See section 1003.2.2 as amended.

*Section 1003.2.4 of the 2001 California Fire Code is amended as follows:*

**1003.2.4 Group E Occupancies.** See section 1003.2.2 as amended.

*Section 1003.2.5 of the 2001 California Fire Code is amended as follows:*

**1003.2.5 Group F Occupancies.** See section 1003.2.2 as amended.

*Section 1003.2.6 of the 2001 California Fire Code is replaced in its entirety to read as follows:*

### **1003.2.6 Group H Occupancies.**

**1003.2.6.1 General.** An automatic fire-extinguishing system shall be installed in Group H, Division 1,2,3,4 and 7 Occupancies.

**1003.2.6.2 Group H, Semiconductor Fabrication Facilities.** An automatic fire extinguishing system shall be installed throughout buildings containing semiconductor facilities classified as Group H, Division 6 Occupancies. The design of the sprinkler system shall not be less than that required under the occupancy classification as follows:

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2 <sup>1</sup>

<sup>1</sup>When the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers that needs to be calculated is 13.

**1003.2.6.3 Group H, Division 8 Occupancies.** An automatic fire-extinguishing system shall be installed throughout buildings housing Group H, Division 8 Occupancies. Group H, Division 8 is defined in section 307.1 of the 2001 California Building Code as amended by SFM (Office of the State Fire Marshal). Automatic fire-extinguishing system design for research laboratories and similar areas of a Division 8 Occupancy shall not be less than that required for Ordinary Hazard Group 3 with a design area of not less than 3,000 square feet (279 m2).

In mixed occupancies, portions of floors or buildings not classified as Group H, Division 8 Occupancies shall be provided with automatic fire-extinguishing system designed of not less than that required for Ordinary Hazard Group 3 with a design area of not less than 3,000 square feet (279 m2).

*Section 1003.2.7 of the 2001 California Fire Code is not amended but is repeated here for clarity:*

**1003.2.7 Group I Occupancies.** An automatic fire-extinguishing system shall be installed in Group I Occupancies. In Group I, Division 1.1 and Group I, Division 2 Occupancies, approved quick response or residential sprinklers shall be installed throughout patient sleeping areas.

EXCEPTIONS:

In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system shall be designed as required for deluge systems in the Fire Code (See section 9003, Standard n.2.9).

*Section 1003.2.8 of the 2001 California Fire Code is amended as follows:*

**1003.2.8 Group M Occupancies.** See Section 1003.2.2. as amended.

*Section 1003.2.9 of the 2001 California Fire Code is replaced in its entirety to read as follows:*

**1003.2.9.1 Group R, Division 1 Occupancies.** An automatic fire extinguishing system (AFES) shall be installed in all Group R, Division 1, occupancies, except as provided by section 1003.2.2, exception 1. Residential or quick-response standard sprinkler heads shall be used in the dwelling units and guest room portions of the building. The sprinkler system shall include protection in the following areas: garages, carports, bathrooms, concealed spaces, water heater closets, laundry rooms, attic spaces, under walkways, or overhangs, balconies or decks greater than four feet in depth, at each floor under stair landings that are wholly or partially enclosed, and other areas where deemed necessary by the Fire Chief and the Building Official to protect the public health and safety.

**1003.2.9.2 Group R, Division 3 Occupancies.** An automatic fire sprinkler system shall be installed in all Group R, Division 3 occupancies including garages, detached garages (except as provided in sections 1003.2.2 and 1003.2.2.1) and other attached rooms

When an Automatic Fire Extinguishing System is required, the system in occupancies of less than 12,000 square feet may be installed to a modified NFPA 13D standard. A modified NFPA 13D system shall include areas such as garages, bathrooms, concealed spaces, water heater closets, laundry rooms and attic spaces, and meet the following requirements:

- (1) A one-inch water meter or larger will be required to meet AFES hydraulic calculations.
- (2) For new residences over 5,000 square feet, hydraulic calculations shall be required for all sprinkler heads in the most remote fire area up to a maximum of four sprinkler heads. For new residences of less than 5,000 square feet, hydraulic calculations shall be required for all sprinkler heads in the most remote area up to a maximum of two sprinkler heads.
- (3) Five gallons per minute per dwelling unit shall be added to the sprinkler system demand.

- (4) In residences with high, sloped, beamed, soffited, cathedral ceilings or smooth flat ceilings greater than nine feet, additional fire flow calculations may be required.
- (5) Copper pipe shall not be used with steel or iron riser assemblies.
- (6) Each system shall have a single control valve arranged to shut off both the domestic and sprinkler systems.
- (7) In residential sprinkler projects, the fire chief with the concurrence of the building official may grant alternate methods of construction.

EXCEPTIONS. Section 1003.2.9.2 does not apply to:

- (1) Any structure exempt from permit requirements per section 106.2 of the California Fire Code is exempt from the requirements for fire sprinklers.
- (2) All exterior decks without roof covering adjacent to R3 occupancies shall be exempt from fire sprinkler requirements unless otherwise required by the fire chief or building official. This exemption shall not apply to R3 occupancies in the Hazardous Fire Area.

*Section 1003.2.10 of the 2001 California Fire Code is replaced in its entirety to read as follows:*

**1003.2.10 Stages.** All stages shall be provided with an automatic fire extinguishing system. Such systems shall be provided throughout the stage and in dressing rooms, workshops, storerooms and other accessory spaces contiguous to such stages.

*Section 1003.2 of the 2001 California Fire Code is amended by adding sections 1003.2.11 through 1003.2.14 as follows:*

**1003.2.11 Stairs.** An automatic sprinkler system shall be installed in enclosed usable space below or over a stairway in all occupancies.

**1003.2.12 Amusement Buildings.** An automatic fire extinguishing system shall be installed in all amusement buildings. The main water flow switch shall be electrically supervised. The systems main cut off valve shall be supervised. When the amusement building is temporary, the systems water-supply system may be of approved temporary type.

EXCEPTION:

An automatic sprinkler system need not be provided when the floor area of a temporary amusement building is less than 1,000 square feet and the exit travel distance from any point is less than 50 feet.

**1003.2.13 Speculative Warehousing.** The sprinkler system shall be designed to discharge at a rate of .66 gallons per minute per square foot over a minimum area of 3,000 square feet.

**1003.2.14. Modification to existing automatic fire extinguishing system (AFES).** All changes or additions to any existing automatic fire sprinkler systems and/or underground fire lines will require compliance with all regulations within this section.

*Section 1003.3.1 of the California Fire Code is replaced in its entirety to read as follows:*

**1003.3.1 Where required.** An exterior control valve shall be provided for all buildings with the exception of R3 occupancies. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically supervised.

All sprinkler systems installed with 20 or more sprinkler heads shall have all control valves and water-flow devices electrically supervised and monitored by an approved central alarm monitoring company. An approved central alarm monitoring company shall mean approved by the State Fire Marshal or a nationally recognized testing laboratory. All alarm transmitting devices and systems shall be installed and maintained in accordance with nationally recognized standards.

Valve supervision, water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary supervising station as defined by national standards or, when approved by the building official with the concurrence of the fire chief, sound an audible signal at a consistently attended location.

**EXCEPTIONS:**

- (1) Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be supervised.
- (2) Monitored systems are not required for Group R, Division 3 occupancies.
- (3) Group R, Division 3 occupancies shall have local alarms. Local alarms shall be of sufficient intensity to be clearly audible in all bedrooms over background noise levels with all intervening doors closed.
- (4) An exterior alarm bell shall be installed on the front 1/3 of the building facing public or private street access.

(5) Interior alarm devices (minimum DCBL rating of 88) may be recessed into the wall, centrally located between sleeping rooms in hallway.

(6) Such alarms shall be audible in all sleeping rooms with doors closed.

**Sec. 7-1720.1004 Amendment to 2001 CFC Section 1004 (Standpipes).**

*Section 1004 of the 2001 California Fire Code is amended by adding section 1004.6 as follows:*

**1004.6 Standpipe outlets.** All Class I, II and III standpipe outlets in multi-storied buildings or buildings with basements shall be installed on intermediate landings between floors.

*Table 1004-A- Standpipe Required Systems is amended to read as follows:*

**Table 1004-A Standpipe Required Systems**

Occupancy x 304.8 for mm x 0.0929 for m <sup>2</sup>	NONSPRINKLERED BUILDING <sup>1</sup>		SPRINKLERED BUILDING <sup>2,3</sup>	
	Standpipe Class	Hose Requirements	Standpipe Class	Hose Requirements
1. Occupancies exceeding 150 ft. in height and more than one story	III	Yes	I	No
2. Occupancies 3 stories or more but less than 150 ft. in height, except group R, Division 3 <sup>6</sup>	[I and II <sup>4</sup> ] or	5 Yes	I	No
3. Group A Occupancies with occupant load exceeding 1,000 <sup>7</sup>	II	Yes	No Requirement	No
4. Group A, Division 2.1 Occupancies over 5,000 square feet in area used for exhibition	II	Yes	II	Yes

5. Groups I; H; B; S; M; F; Division 1 Occupancies less than 3 stories in height but greater than 20,000 square feet per floor <sup>6</sup>	II <sup>4</sup>	Yes	No Requirement	No
6. Stages more than 1,000 square feet in area	II	No	III	No

<sup>1</sup>Except as otherwise specified in Item 4 of this table, Class II standpipes need not be provided in basements having automatic fire-extinguishing systems throughout.

<sup>2</sup>The standpipe system may be combined with the automatic sprinkler system.

<sup>3</sup>Portions of otherwise sprinklered buildings which are not protected by automatic sprinklers shall have Class II standpipes installed as required for the unsprinklered portions.

<sup>4</sup>In open structures where Class II standpipes may be damaged by freezing, the building official may authorize the use of Class I standpipes, which are located as required for Class II standpipes.

<sup>5</sup>Hose is required for Class II standpipes only.

<sup>6</sup>For the purpose of this table, occupied roofs of parking structures shall be considered an additional story. In parking structures, a tier is a story.

<sup>7</sup>Class II standpipes need not be provided in assembly areas used solely for worship.

**Sec. 7-1720.1005 Amendment to the 2001 CFC Section 1005**  
(Protection of Commercial Cooking Operations)

*Section 1005.2.9 of the 2001 CFC has been added to read as follows:*

**1005.2.9 Ventilating Hood and Duct Systems and Air Handlers.** All buildings with an existing or new fire alarm control panel shall interconnect all hood and duct systems and air handlers over 2000 cfm to the alarm panel. The hood and duct shall report to a central station as a fire condition. Air handlers shall report as a supervisory or trouble condition.

**Sec. 7-1720.1006 Amendment to the 2001 CFC Section 1006** (Fire Alarm Systems)

*Section 1006.1.1 has been changed to add the following second paragraph:*

The building owner shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all fire alarm systems indicating that the system has been installed in accordance with the approved plans and specification and meets minimum NFPA Standards. A copy shall be provided to the fire marshal's office at no cost to the city. Certification shall be required for all new systems to be installed after January 1, 1996. All existing systems must obtain a certification within 12 months after the adoption of this code.

*Section 1006.2.1.4 is added to read as follows:*

**1006.2.1.4** All new or existing systems that require a new Fire Alarm Control Panel shall have a remote enunciator at the main entrance. It shall be visible to all emergency personnel.

*Section 1006.2.6.5 is added to read as follows:*

**1006.2.6.5** All new H occupancies, or existing H occupancies that require a new fire alarm control panel, that have local detection systems(s) shall interconnect that system(s) to report to a Central Station as a fire condition or alarm condition. The report shall be in nomenclature easy to understand (e. g. Water, not H2O).

*Section 1006.2.9.1.1 has been amended so that the first paragraph reads as follows:*

**1006.2.9.1.1** Group R Occupancies shall be provided with fire alarm systems in accordance with section 1006.2.9 and the California Building Code. Group R-1 shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or eight or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms, and in congregate residences three or more stories in height or having an occupancy load of 20 or more. See also section 1006.2.12

**Sec. 7-1720.5101 Amendment to 2001 CFC Section 5101 (General).**

*Section 5101.1.1 of the 2001 California Fire Code is amended as follows:*

**5101.1.1 General.** Semiconductor fabrication facilities and comparable manufacturing, research and development areas classified as Group H Occupancies shall be in accordance with Article 51 and the Building Code.

The use, storage and handling of hazardous materials in semiconductor fabrication facilities classified as Group H Occupancies shall be in accordance with Article 51, other applicable provisions of this code and the Building Code.

**Sec. 7-1720.6301 Amendment to 2001 CFC Section 6301 (Scope).**

*Section 6301 of the 2001 California Fire Code is amended to read as follows:*

**6301 Scope.** Refrigeration unit and system installations having a refrigerant circuit containing more than 220 pounds (100kg) of Group A1 or 30 pounds (13.6kg) of any other group refrigerant shall be in accordance with Article 63 and the Mechanical Code. See Appendix VI – J for refrigerant group descriptions. See also sections 8001.1.2, 8001.16.7 and 8002.



EXCEPTION: The chief is authorized to exempt temporary or portable installations.

**Sec. 7-1720.6303 Amendment to 2001 CFC Section 6303 (Definitions).**

*Section 6303 of the 2001 California Fire Code is amended to read as follows:*

**6303 Definitions.** For definitions of IMMEDIATELY DANGEROUS TO LIFE AND HEALTH (IDLH), LOWER FLAMMABILITY LIMIT (LFL) PERMISSIBLE EXPOSURE LIMIT (PEL) AND REFRIGERANT AND REFRIGERANT CIRCUIT, see Article 2. For refrigerant groups, see Appendix VI – J.

**Sec. 7-1720.6404 Amendment to 2001 CFC Section 6404 (Installation and Maintenance).**

*Section 6404.6 of the 2001 California Fire Code, is amended by adding 6406.6.3 to read as follows:*

3. Failure of the ventilation system shall initiate a local alarm and transmit a signal to a constantly attended station or automatically disengage the charging system.

**Sec. 7-1720.7800 Amendment to 2001 CFC Section 7800 (Fireworks and Pyrotechnic Special Effects Material)**

*Section 7801.1 of the 2001 California Fire Code is amended by adding section 7801.1.2 as follows:*

Article 78 shall not be construed to allow the sale, storage, possession or use of any fireworks prohibited by Fremont Municipal Code Title 3, Chapter 21.

**Sec. 7-1720.7901 Amendment to 2001 CFC Section 7901 (General).**

*Section 7901.2.2 of the 2001 California Fire Code is amended by adding the following definition:*

**TEMPORARY** shall not exceed 180 calendar days.

*Section 7901.3.2 of the 2001 California Fire Code is amended to read as follows:*

**7901.3.2 Plans.** Plans shall be submitted with each application for a permit to store liquids outside of buildings in drums or tanks. The plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for spill control and secondary containment.

All plans and specifications shall be prepared and wet stamped by a fire protection engineer, professional engineer or architect.

*Section 7901 of the 2001 California Fire Code is amended by adding section 7901.14 as follows:*

**7901.14 Monitoring.** Flammable and combustible liquid storage or use systems must be monitored on a regular or continuous basis. A written monitoring plan must be submitted for approval by the chief and must be included in the Hazardous Materials Business Plan. Monitoring methods may include but are not limited to the following:

1. Visual inspection, no less than monthly.
2. Continuous leak detection and alarm system.
3. Any system which will provide continuous, reliable monitoring of the primary container(s) capable of alerting occupants to an alarm or trouble condition; all systems are subject to approval by the chief.

**Sec. 7-1720.7903 Amendment to 2001 CFC Section 7903 (Dispensing, Use, Mixing and Handling).**

*Section 7903.2.3.4.4 of the 2001 California Fire Code is amended to read as follows:*

**7903.2.3.4.4 Spill Control and Secondary Containment.** Spill control shall be provided in accordance with section 7901.8 when flammable or combustible liquids are dispensed into containers or mixed or used in open containers or systems. Spill control and secondary containment shall be provided in accordance with section 7901.8 when the capacity of an individual container exceeds 1.1 gallon (4L) or the aggregate capacity of multiple containers or tanks exceeds 5.3 gallons (20L).

*Section 7903.2.3.5.4 of the 2001 California Fire Code is amended to read as follows:*

**7903.2.3.5.4. Spill Control and Secondary Containment.** Spill control shall be provided in accordance with section 7901.8 when flammable or combustible liquids are dispensed, used or mixed. Spill control and secondary containment shall be provided in accordance with section 7901.8 when the capacity of an individual container exceeds 55 gallons (208L) or the aggregate capacity of multiple containers or tanks exceeds 1,000 gallons (3785L).

**Sec. 7-1720.8001 Amendment to 2001 CFC Section 8001 (General).**

*Section 8001.2.2 of the 2001 California Fire Code is amended by adding the following definitions:*

**ABANDONED.** Tanks out of service and not being monitored in accordance with this Article and the provisions of the California Health and Safety Code shall be considered abandoned.

**REMOVAL.** Tanks abandoned or permanently out of service shall be removed from the ground. Tanks required to be removed by this code shall be removed and disposed of in a manner approved by the chief, or his authorized representative. Whenever a tank is required to be removed by this section, the chief may require removal of all levels of containment, foundations, structures, or similar items which would obstruct soil sampling or cleanup of contaminated soil.

*Section 8001.3.2 of the 2001 California Fire Code is amended by adding sections 8001.3.2.8 and 8001.3.2.9 as follows:*

8. The HMMP, also known as the Hazardous Materials Business Plan (HMBP) and HMIS are to be reviewed at a minimum of once per year and any needed changes made and submitted to the fire chief as provided in Fremont Municipal Code section 3-12100 *et seq.* Major changes to the facility may require updating of the HMBP and HMIS more often than annually.

9. If the chief, or his authorized representative, determines that a facility poses a significant likelihood of risk to public health and safety or the environment, whether or not the facility handles regulated materials (federal and state RMP chemicals), the fire chief can require at the expense of the owner or operator that the facility manager prepare a California Accidental Release Prevention Program in accordance with the California Health and Safety code sections 25500 *et seq.*

*Section 8001.4.3.3.1 of the 2001 California Fire Code is amended to read as follows. Section 8001.4.3.3.2 is unchanged.*

1. Piping and tubing utilized for the transmission of gases with a UFC health hazard ranking of 3 or 4 in accordance with UFC Standard 70-3 shall have welded or brazed connections throughout unless an exhausted enclosure is provided.

Piping and tubing utilized for the transmission of highly toxic gases, or toxic gases that are not inert to the piping material, shall be provided with secondary containment.

Piping and tubing utilized for the transmission of liquids having a hazard ranking of 3 or 4 in accordance with UFC Standard 79-3 shall be provided with double walled piping or a receptor for containment.

**EXCEPTION:**

Welded piping systems approved by the fire chief.

*Section 8001.4.3.3.3 of the 2001 California Fire Code is amended to read as follows. 8001.4.3.3.4 is unchanged.*

3. Where gases or liquids having a UFC health hazard ranking of 3 or 4 in accordance with UFC Standard 79-3 are carried in pressurized piping above 15 psig (103.4 kPa), excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical, and

*Section 8001.4.5.1 of the 2001 California Fire Code is amended as follows. Sections 8001.4.5.1.1 and 8001.4.5.1.2 are not changed.*

**8001.4.5.1 Underground Tanks.** Underground tanks shall comply with the laws and regulations set forth in Chapter 6.7, Division 20, sections 25280 through 25299.7, Underground Storage of Hazardous Substances, of the California Health and Safety Code and the associate regulations in the California Code of Regulations Title 23, Waters, Chapter 3, Water Resources Control Board, subchapter 16, Underground Tank Regulations, as amended, are adopted by reference to be the minimum standards in effect in the city. The city can require more stringent standards through other sections of this code.

*Section 8001.5.2.2 of the 2001 California Fire Code is amended to read as follows:*

**8001.5.2.2 Notification.** The fire chief shall be notified immediately when a release or an unauthorized discharge becomes reportable under state, federal or local regulations or presents a life safety or environmental threat. See Title III, Chapter 12 of Fremont Municipal Code for local regulations.

*Section 8001.5.2.5 of the 2001 California Fire Code is amended by adding the following:*

**8001.5.2.5 Responsibility for Clean-up.** The person, firm, or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the chief, cleanup may be initiated by the fire department or by an authorized individual or firm. The chief will, if reasonably practical, give notice to the responsible parties before cleanup begins. All costs associated with cleanup shall be borne by the owner, operator or other person responsible for the unauthorized charge.

*Section 8001.7 of the 2001 California Fire Code is amended by adding the following paragraph after the last paragraph:*

Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

*Section 8001.11 of the 2001 California Fire Code is amended by adding sections 8001.11.10, 8001.11.11 and 8001.11.12 to read as follows:*

**8001.11.10 Monitoring.** Liquid and solid hazardous materials storage or use systems must be monitored on a regular or continuous basis. A written monitoring plan must be submitted for approval by the chief and must be included in the Hazardous Materials Business Plan. Monitoring methods may include but are not limited to the following:

1. Visual inspection, no less than monthly (requires trained personnel and documentation).
2. Approved continuous leak detection and alarm system.
3. Any system which will provide continuous, reliable monitoring of the primary container(s) capable of alerting occupants to an alarm or trouble condition; all systems are subject to approval by the chief.

**8001.11.11 Spill Control for hazardous materials liquids.** Regardless of the exempt amounts and containment requirements in sections 8001, 8003, and 8004, all containers of liquid hazardous materials regulated by this or any other article shall be provided with an approved means to control spills. The spill control shall take into consideration the amount and hazard of the materials and the nature of the facility.

**8001.11.12 Secondary Containment requirements.** When deemed necessary to protect life safety, emergency responders, or the environment and regardless of the exempt amounts and secondary containment requirements in sections 8001, 8003, 8004, the fire chief, or his designee, may require containers of liquid, solid, or gaseous hazardous materials regulated by this or any other article to be provided with secondary containment in accordance with section 8003.1.3.3.

If parts of this code differ in their requirements for secondary containment, the more stringent shall apply. The chief may require outside containment areas to be covered with a roof or canopy for protection from the environment.

*Section 8001.13.1, 8001.13.2 and 8001.13.3 of the 2001 California Fire Code are amended as follows:*

**8001.13 Facility and Storage or Use System Closure.**

**8001.13.1 Temporarily out-of-service facilities and storage or use systems.** Facilities and storage or use systems which are temporarily out

of service shall continue to maintain a permit and be monitored and inspected.

**8001.13.2 Permanently out-of-service facilities and storage or use systems.** Facilities and storage or use systems for which a permit is not kept current or is not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in accordance with section 8001.13.3.

**8001.13.3 Plan.** The permit holder or applicant shall submit a plan to the fire chief to terminate storage, dispensing, handling or use of hazardous materials at least 30 days prior to facility or storage or use system closure. The plan shall demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility have been transported, disposed of or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety. Such plan shall be submitted in accordance with section 8001.3.1.

*Section 8001.16 of the 2001 California Fire Code is amended by adding Sections 8001.16.5 through Sections 8001.16.5.2:*

**8001.16.5 Additional regulations for gases with a UFC health hazard ranking of 3 or 4.**

**8001.16.5.1 General.** Storage, use, and handling of compressed gases with a health hazard ranking of 3 or 4 in accordance with UFC Standard 79-3 shall also be in accordance with the following:

1. When located inside, compressed gases with a UFC health hazard ranking of 3 or 4 shall be permitted only when located within approved gas cabinets, exhausted enclosures, or gas rooms. See also sections 8003.3.1.3.2, 8003.3.1.3.3, and 8003.3.1.3.4.
2. When located outside, and when approved by the fire chief, compressed gases with a UFC health hazard ranking of 3 or 4 shall be kept under a canopy in accordance with section 8003.3.2.3.
3. Storage, use, and handling of compressed gases with a health hazard ranking of 3 or 4 shall be in accordance with the requirements for toxic gases set forth in 8003.3 and 8004.2.3.7 even where quantities do not exceed the exempt amounts. See also section 8001.4.3.3.

**EXCEPTION:** Aggregate quantities per control area not exceeding exempt amounts or 20 cubic feet per material, whichever is less.

4. Where use or dispensing occurs, a seismic monitoring device shall be provided that automatically shuts off the supply of gas upon seismic

activity. Activation shall occur, at a minimum, for a seismic event with a peak acceleration of .3 g for a period of 0.4 second.

EXCEPTION: Aggregate quantities per control area not exceeding exempt amounts or 20 cubic feet per material, whichever is less.

**8001.16.5.2 Inert Gas Purge System.** Gas distribution systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems shall be located in an approved gas cabinet unless the system operates by vacuum demand or a check valve is supplied for the piping within the gas cabinet.

EXCEPTION: Aggregate quantities per control area not exceeding exempt amounts or 20 cubic feet per material, whichever is less.

*Section 8001 of the 2001 California Fire Code is amended by adding sections 8001.17 and 8001.17.1:*

**8001.17 Fire Protection for Workstations.**

**8001.17.1 Fire Protection for Workstations.** When the building is protected by an automatic fire protection system, an approved fire protection system shall be provided for all workstations where hazardous materials are dispensed, stored or used. An automatic fire sprinkler head shall be installed within each branch exhaust connection or within individual plenums of workstations of combustible construction. The automatic fire sprinkler system head in the exhaust connection or plenum shall be located not more than 2 feet (610 mm) from the point of the duct connection or the connection to the plenum. When necessary to prevent corrosion, the automatic fire sprinkler head and connecting piping in the duct shall be coated with approved or listed corrosion-resistant materials. The automatic fire sprinkler system head shall be accessible for periodic inspection.

The chief may approve alternate automatic fire-extinguishing systems. Activation of such systems shall deactivate the related processing equipment. An alternative automatic fire-extinguishing system other than automatic fire sprinkler heads may be installed where:

1. In process equipment which operates at temperatures exceeding 932 degrees F (500 degrees C).
2. In exhaust ducts 10 inches (254 mm) or less in diameter for flammable gas storage cabinets that are part of a workstation.

**Sec. 7-1720.8003      Amendment to 2001 CFC Section 8003 (Storage).**

*Section 8003.1.1 of the 2001 California Fire Code is amended by adding the following sentences at the end of the second paragraph.*

Notwithstanding, hazardous materials present below the exempt amounts specified in section 8001.1.3 shall be provided with an approved method of spill protection designed to address a release from the single largest container. The spill protection shall take into consideration the amount and hazard of the materials and the nature of the facility.

*Section 8003.1.3.2 of the 2001 California Fire Code is amended by modifying the first paragraph and adding a section 8003.1.3.2.4 as follows. The remaining sections are unchanged and repeated for clarity:*

**8003.1.3.2 Spill control for hazardous materials liquids.** Rooms, buildings or areas used for the storage of hazardous materials in excess of their permit amount or fifty-five (55) gallons, whichever is less, shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Alternate methods approved by the fire chief.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings which are provided with an open-grate trench across the opening that connects to an approved collection system.

*Section 8003.1.3.3 of the 2001 California Fire Code is amended by modifying the first paragraph and adding a section 8003.1.3.3.5 as follows. The remaining sections are unchanged and repeated for clarity:*

**8003.1.3.3 Secondary containment for hazardous materials liquids and solids.** Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section when the capacity of an individual vessel or the aggregate capacity of multiple vessels exceeds the following:



Liquids: Capacity of an individual vessel exceeds 55 gallons (208.2L) or the aggregate capacity of multiple vessels exceeds 1,000 gallons (3,785L).

Solids: Capacity of an individual vessel exceeds 550 pounds (248.8 kg) or the aggregate capacity of multiple vessels exceeds 10,000 pounds (4,524.8 kg).

The building, room or area shall contain or drain the hazardous materials and fire-protection water through the use of one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations,
2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes,
3. Sumps and collection systems,
4. Drainage systems leading to an approved location, or
5. Alternate methods approved by the fire chief.

Incompatible materials shall be separated from each other in discrete secondary containment system(s).

*Section 8003.1.14 of the 2001 California Fire Code is amended by adding the following sentence to the beginning of the first paragraph:*

The chief may require weather protection for exterior storage of hazardous materials.

*Table 8003.1-A (Required Secondary Containment-Hazardous Materials Solids and Liquids Storage) is not adopted.*

*Section 8003.3.1.3.5.1 of the 2001 California Fire Code is amended by deleting the exception. The remainder is unchanged.*

*Section 8003.3.1.4 of the 2001 California Fire Code is amended by adding the following exception:*

EXCEPTION: When the aggregate quantities of toxic or highly toxic gases do not exceed the exempt amounts set forth in Tables 8001.15-B and 8001.15-D.

*Section 8003.3.2.3 of the 2001 California Fire Code is amended by adding section 8003.3.2.3.1 as follows:*

**8003.3.2.3.1 Gas Detection Under Canopies.** Gas detection in conformance with 8003.3.1.6 shall be provided when the maximum rate of

release from a cylinder or tank could result in gas levels above the accepted permissible exposure level at the property line.

**Sec. 7-1720.8004 Amendment to 2001 CFC Section 8004 (Use, Dispensing and Handling).**

*Section 8004.1 of the 2001 California Fire Code is amended by adding section 8004.1.17 as follows:*

**8004.1.17 Emergency Alarm.** An approved emergency alarm shall be provided in accordance with section 8003.1.10 for use and dispensing areas.

*Table 8004.2-A (Required Secondary Containment-Hazardous Materials Solids and Liquids Use) is not adopted.*

*Section 8004.2.2.5.1 of the 2001 California Fire Code is amended as follows:*

**8004.2.2.5.1 Spill control for hazardous materials liquids.** Buildings, rooms or areas where hazardous materials liquids are dispensed into vessels or used in open systems shall be provided with spill control in accordance with section 8003.1.3.2.

*Section 8004.2.2.5.2 of the 2001 California Fire Code is amended as follows:*

**8004.2.2.5.2 Secondary containment for hazardous materials liquids.** Buildings, rooms or areas where hazardous materials liquids are used in vessels or systems shall be provided with secondary containment in accordance with section 8003.1.3.3 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

Individual Vessel or System: Greater than 1.1 gallons (4 L)

Multiple Vessels or Systems: Greater than 5.3 gallons (20 L)

*Section 8004.2.3.6.1 of the 2001 California Fire Code is amended as follows:*

**8004.2.3.6.1 Spill control for hazardous materials liquids.** Buildings, rooms or areas where hazardous materials liquids are used shall be provided with spill control in accordance with section 8003.1.3.2.

*Section 8004.2.3.6.2 of the 2001 California Fire Code amended as follows:*

**8004.2.3.6.2 Secondary containment for hazardous materials liquids.** Buildings, rooms or areas where hazardous materials liquids are used in vessels or systems shall be provided with secondary containment in accordance with section 8003.1.3.3 when the capacity of an individual

vessel or system or the capacity of multiple vessels or systems exceeds the following:

Individual Vessel or System: Greater than 55 gallons (208.2 L)

Multiple Vessels or Systems: Greater than 1,000 gallons (3785 L)

*Sections 8004.3.3.1.1 and 8004.3.3.1.2 of the 2001 California Fire Code are amended as follows:*

**8004.3.3.1.1. Spill control for hazardous materials liquids.** Outdoor areas where hazardous materials liquids are dispensed or used in open systems shall be provided with spill control in accordance with section 8003.1.3.2.

**8004.3.3.1.2 Secondary containment for hazardous materials liquids.** Buildings, rooms or areas where hazardous materials liquids are dispensed or used in open systems shall be provided with secondary containment in accordance with section 8003.1.3.3 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

Individual Vessel or System: Greater than 1.1 gallons (4 L)

Multiple Vessels or Systems: Greater than 5.3 gallons (20 L)

*Sections 8004.3.3.2.1 and 8004.3.3.2.2 of the 2001 California Fire Code are amended as follows:*

**8004.3.3.2.1 Spill control for hazardous materials liquids.** Outdoor areas where hazardous materials liquids are used in closed systems shall be provided with spill control in accordance with section 8003.1.3.2.

**8004.3.3.2.2 Secondary containment for hazardous materials liquids.** Outdoor areas where hazardous materials liquids are dispensed or used in closed systems shall be provided with secondary containment in accordance with section 8003.1.3.3 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

Individual Vessel or System: Greater than 55 gallons (208.2 L)

Multiple Vessels or Systems: Greater than 1,000 gallons (3785 L)

**Sec. 7-1721**

**Amendments to 2001 CFC Appendix II-K (Nonprotected Aboveground Steel Tank For Private Motor Vehicle Fuel-Dispensing Stations Outside Buildings).**

*Section 3 of the 2001 California Fire Code Appendix II-K is amended by adding the following sentence to the end of the first paragraph:*

In addition, a risk management and prevention program may be required.

*Section 5 of the 2001 California Fire Code Appendix II-K is amended by adding section 5.8 as follows:*

1. All installation related inspections require regulatory oversight with a minimum of 48 hours notice. An approval inspection and test are required of the tank, piping and site before the delivery of any product.
2. Each tank shall be subject to field hydrostatic or pneumatic integrity testing at the installation site and before being placed in use. Pneumatic testing shall be witnessed by City inspector and shall be conducted at 3-5 psi for 30 minutes or in accordance with the manufacturer's recommendations at the discretion of the City Inspector.

**Sec. 7-1730**

**Location limitations on the storage of explosive, combustible or flammable materials.**

(a) **Explosive, combustible or flammable materials.** The storage of the explosive, combustible or flammable materials listed below is prohibited in all locations within the City of Fremont except as provided in subsections (b) and (c).

(1) Flammable or combustible liquids in outside aboveground tanks (see CFC 7902.2.1 and 7902.4.5.4.2).

(2) Bulk storage of liquefied petroleum gas (see CFC 8204.2).

(3) Explosives and blasting agents (see CFC 7701.7.2).

(4) Compressed natural gas (see CFC 5204.5.2).

(5) Flammable cryogenic fluids in stationary containers (see *Uniform Fire Code* Standard 80-3).

(b) **Location limitations.** The materials listed in subsection (a) may be stored in the following districts. The zoning districts listed in this subsection are defined in Title VIII, Chapter 2 of the Fremont Municipal Code.

(1) I-L (Light Industrial District).

(2) I-R (Restricted Industrial District).

(3) G-I (General Industrial District).

(4) A (Agricultural District).

(5) A (F) (Agricultural with Flood Combining District).

(c) Aboveground Class I, II or III-A flammable or combustible liquid storage tanks may be allowed when the installation of underground tank(s) is impractical or because of property or building limitations. The tank area may be used for private and governmental fleets, construction vehicles, waste oil storage, and any situation where the fire chief deems it would create a safer condition. They shall not be approved for service stations or other commercial retail applications. See appendix II-F.

The fire chief or his designee shall have the sole discretion to prohibit use of these tanks based on the safety of the public.

**Sec. 7-1730                      Staffing Standards Not Adopted.**

Notwithstanding any other provision of this Article, or any provision contained in the 2001 California Fire Code, the 2000 Uniform Fire Code, or the standards established by the National Fire Protection Association (NFPA), staffing standards are not established by this Article and any reference NFPA standard 1710 or any other staffing standard is expressly excluded and not adopted by this Article.

Section 4:

Ordinance 2344 adding Chapter 10 (Minimum Requirements For Retrofitting Certain Types Of Apartment Buildings With Automatic Fire Extinguishing Systems) to Title VII (Building Regulations) is repealed and readopted as Title VII, Chapter 12 (Automatic Fire Extinguishing Systems Retrofit Requirements For Certain Types Of Apartment Buildings) and amended to read as follows. The purpose of this repeal and readoption is to renumber these provisions as a separate Chapter in Title VII without substantive change.

**CHAPTER 12.                      AUTOMATIC FIRE EXTINGUISHING SYSTEMS  
RETROFIT REQUIREMENTS FOR CERTAIN TYPES OF  
APARTMENT BUILDINGS**

**Sec. 7-12100                      Title.**

This Chapter shall be know as and may be cited as the “Fremont Central Corridor Retrofit Ordinance.”

**Sec. 7-12102                      Definitions.**

For the purpose of interpreting and implementing this Chapter the following definitions in addition to those contained under the current Fremont Building Code and Fremont Fire Code shall be used:

(a) “*Architect*” is an individual licensed by the State of California to practice architecture and to use the title, Architect, as defined in the State of California Business and Professions Code.

(b) “*Civil Engineer*” means an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.

(c) “*Current Code*” shall mean the edition of the California Building Standards Code published by the International Conference of Building Officials as adopted by the City of Fremont pursuant to section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time damage occurs.

(d) “*Engineering Evaluation*” means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

(e) “*Essential Service Facility*” shall mean that building or structure which has been designated by the city council to house facilities which are necessary for emergency operations.

(f) “*Fire Protection Engineer*” is an individual registered by the State of California to practice fire protection engineering and to use the title, Fire Protection Engineer, as defined in the State of California Business and Professions Code.

(g) “*Historic Building or Structure*” shall be any structure included on the National Register of Historic Places, the state register of historic places or points of interest, or listed as a local primary historic resource.

(h) “*Replacement Value*” is the dollar value, as determined by the building official based upon the square footage and the guidelines used in establishing the valuation of new construction, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

(i) “*Structural Engineer*” is an individual registered by the State of California to practice civil engineering and to use the title, Structural Engineer, as defined in the State of California Business and Professions Code.

(j) “*Value of Repair*” is the dollar value, as determined by the building official, making the necessary repairs to a damaged structure.

#### **Sec. 7-12104                      Purpose.**

The purpose of this Chapter is to provide a reasonable degree of fire safety for persons living and sleeping in Group R, Division 1 occupancies by requiring alterations to such existing buildings which do not conform to the minimum exiting, shaft enclosure and corridor protection requirements of this ordinance.

**Sec. 7-12106                    Scope.**

The provisions of this Chapter apply to all existing central corridor hotel and apartment buildings two stories or more in height containing 10 or more dwelling units. The provisions of this Chapter shall not authorize the modification of existing buildings or portions thereof which result in a lesser degree of protection against fire than the minimum requirements established by this Chapter.

**Sec. 7-12110                    Corridor Walls and Openings.**

Every corridor serving more than ten dwelling units shall be protected by an automatic fire extinguishing system. The scope of the protection shall include NFPA 13 or NFPA 13R automatic fire extinguishing systems. The fire chief or designee will determine the level of automatic fire-extinguishing system to be provided within the following guidelines:

- (a) All stairways, hallways, exit ways, storage and closet areas adjacent to the corridor.
- (b) Within each guest room or dwelling unit, a sprinkler head shall be placed adjacent to each door opening in living area.
- (c) An approved fire alarm and smoke detection system shall be provided.
- (d) Transoms and openings other than doors from corridors to guest rooms and dwelling units shall be closed and solidly covered with material which will provide the same degree of fire resistive protection as provided by adjacent corridor walls.
- (e) An approved self-closing device shall be installed on each door opening from the corridor into the guest room or dwelling unit.

**Sec. 7-12112                    Shaft Enclosures.**

All stairwells shall be enclosed in approved shaft enclosures; provided, however, that existing enclosure walls constructed of wood lath and plaster which are in good condition will be accepted in lieu of approved shaft wall construction.

**Sec. 7-12120                    Permit Fees.**

Plan check and building permit fees shall be waived for center corridor apartments affected by the retrofit automatic fire extinguishing ordinance program projects subject to the following limitations:

- (a) All work is commenced according to the timetables specified in this Chapter.
- (b) The scope of work for which the above fees are waived is limited to the retrofit of center corridor apartments with automatic fire extinguishing systems and self-closing devices on apartment units.

(c) Any additional work done in conjunction with automatic fire extinguishing systems and self-closing devices will be assessed and fees will be charged based upon the valuation of the work.

(d) Plan check fees beyond the third cycle of review and re-inspection fees shall not be waived and shall be assessed on a per-hour basis.

**Sec. 7-12122 Notification.**

(a) When it is determined by the building official or the fire chief that a building does not conform to the minimum requirements of this section, the owner(s) shall be directed to repair and modify the building so as to conform to those minimum requirements.

(b) The order shall be served by certified or registered mail, upon the owner(s) and all persons having legal and equitable interests in the property as shown on the latest equalized assessment roll and upon the person in apparent charge or control of the building.

(c) The order shall specify the manner in which the building fails to meet the minimum requirements of this section. The order shall direct the owner of the building to submit plans to repair and modify the building to the Building and Safety Division, to obtain the necessary permits and complete the necessary corrections.

**Sec. 7-12124 Recordation.**

At the time the order is served, the fire chief shall cause to be filed with the office of the county recorder a certificate setting forth the determination of the fire chief that the building does not meet the minimum fire-safety requirements of this section and that the owner of the building has been so notified.

**Sec. 7-12126 Recordation of Compliance.**

After completion of all necessary corrective work, the fire chief shall file with the office of the county recorder a certificate terminating the status of the building as nonconforming to the minimum fire safety requirements of this section.

**Sec. 7-12128 Commencement of Work; Completion of Work.**

(a) Any owner of a building who has been served with an order issued under this Chapter shall submit to the building official an application for a building permit supported by construction documents meeting the requirements of this Chapter and obtain the necessary permits not later than one year after service of the order and shall complete the necessary corrections not later than three years after service of the order.

(b) No extension of time, either to submit plans, obtain permits or complete the necessary corrections shall be granted except by the building official or fire chief upon a finding of unusual circumstances which warrant an extension. No extension may exceed one year.



(c) A written request for an extension shall be made either to the building official or the fire chief.

(d) When a request for an extension is received the building official or fire chief shall set a hearing for consideration of the request. Ten (10) days prior written notice of the hearing shall be given to the applicant at the address shown on the written request for the extension. The hearing shall be conducted by the building official, the fire chief or a hearing officer designated by either official.

(e) Five (5) days prior to the hearing the applicant shall submit a statement under penalty of perjury containing all the following to the respective hearing official or officer: legal description and street address of the property; a statement of facts justifying the requested extension of time; the actual income and operating expenses by category for the property for the prior 3 years; a schedule of anticipated income for the three years following the date of the request; a description of the property's current financial arrangements and any anticipated refinancing; a statement of capital investment for the prior three years; information relating to any sale or leasing of the property contemplated in the next 3 years; a description of any redevelopment plans anticipated during the next three years; any other information affecting the need for the extension of time.

(f) The official hearing the application shall: receive evidence from the owner of the building or the owner's representative; allow examination and cross examination of witnesses by the owner or representative; consider all relevant evidence on the issue of unusual circumstance involving the subject property and the financial circumstances of the property; and shall make findings and an order granting or denying the extension and stating any conditions to the grant of the extension.

#### **Sec. 7-12130                      Violations.**

Any owner of a building who fails to comply with an order issued by the fire chief under this Chapter within each of the time periods set forth in section 7-12128 is guilty of an infraction and shall be punished as set forth in Title 1, Chapter 3 of the Fremont Municipal Code.

#### **Sec. 7-12132                      Enforcement.**

Whenever a violation of this Chapter is found to exist, all owners, lessees or persons with control of a building subject to this Chapter shall be jointly and severally liable for a civil penalty of up to the maximum permitted by Chapter 4, Title I of the Fremont Municipal Code.

#### **Section 5:            Staffing Standards Not Adopted.**

Notwithstanding any other provision of this ordinance, or any provision contained in the 2001 California Fire Code, the 2000 Uniform Fire Code, or the standards established by the National Fire Protection Association (NFPA), staffing standards are not established by this ordinance and any reference to NFPA standard 1710 or any other staffing standard is expressly excluded and not adopted by this ordinance.

Section 6: Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7: Effective date.

This ordinance shall take effect and be enforced on and after November 1, 2002. The City Clerk has caused to be published a summary thereof, prepared by the City Attorney under Section 36933(c) of the Government Code, once in *The Argus*, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont, at least five days before the date of adoption. A certified copy of the full text of the ordinance has been posted in the office of the City Clerk since at least five days prior to this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause to be again published

in *The Argus* said summary of the ordinance with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

The foregoing was introduced after reading of the title and of the titles of the codes adopted thereby, before the City Council of the City of Fremont, County of Alameda, State of California, at the regular meeting of the City Council of such City, held on the 10th day of September, 2002 and finally adopted at a regular meeting of said Council held on the 24th day of September, 2002 by the following vote, to wit:

AYES: Mayor Morrison, Vice Mayor Zlatnik, Councilmembers Wasserman, Pease and Cho

NOES: None

ABSTAINED: None

ABSENT: None

GUS MORRISON

Mayor

ATTEST:

APPROVED AS TO FORM:

RENEE ELLIOTT

Deputy City Clerk

SCOTT M. RENNIE

Senior Deputy City Attorney